DOCUMENT RESUME

ED 091 922 EC 062 160

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| TITLE | A Survey of State Laws to Remove [Architectural] Barriers. |
| INSTITUTION | President's Committee on Employment of the Handicapped, Washington, D.C. |
| PUB DATE | Aug 73 |
| NOTE | 32p. |
| EDRS PRICE | MF-$0.75 HC-$1.85 PLUS POSTAGE |
| DESCRIPTORS | *Architectural Barriers; *Exceptional Child Services; National Surveys; *Physically Handicapped; *Standards; *State Legislation |

ABSTRACT

Presented in tabular form as the result of a national survey are features of the architectural laws of all 50 States and the District of Columbia which relate to architectural barriers experienced by physically handicapped individuals. Legislative acts are listed in alphabetical order by State, and information is provided on the following aspects: the act's number and effective date, whether the act adopts standards recommended by the American National Standards Institute for making buildings accessible to the handicapped, whether sanctions for noncompliance are included, whether the act includes publicly funded buildings, whether publicly used but privately owned buildings are included, whether the law covers remodeling, whether leased buildings are included, the authority responsible for enforcement, whether inspection of new buildings is mandated, and any related remarks (such as existence of a waiver clause). Acts date from 1963 through 1973. (DB)

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# A SURVEY OF STATE LAWS

# TO REMOVE

# BARRIERS

August 1973

THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED

Washington, D. C. 20210

EC062160

The purpose of this publication is to highlight the prominent features of each state's architectural barrier law. Since we first published this information in 1971 many states have amended existing laws or adopted new ones. As a result, a new survey was undertaken and the data collected used as a basis for this updated edition. If more complete information is required on a particular law, we recommend that you write to the Governor's Committee on Employment of the Handicapped of the state involved.

COMMITTEE ON BARRIER FREE DESIGN

| STATE | LEGISLATION & DATE EFFECTIVE | ADOPTS ANSI* STANDARDS | SANCTIONS FOR NONCOMPLIANCE | INCLUDES PUBLICLY FUNDED BUILDINGS | INCLUDES PUBLICLY USED, PRIVATELY OWNED BUILDINGS |
|---|---|---|---|---|---|
| Alabama | Leg. Act: #224 8/9/65 | Yes | No | Yes | No |
| Alaska | Leg. Act: #303 Amended by Senate Chapter #119 1/1/67 | Yes | | Yes | No |
| Arizona | Leg. Act: #113 Chapter #65 1/1/68<br><br>Leg. Act: #2045 July, 1973 | Yes | | Yes | Yes |

*"Standards of A.N.S.I." Shall refer to the American National Standards Institute Standards for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped. (ANSI 117.1-1971.)

| EXPLICITLY COVERS REMODELING | LEASED BUILDINGS | RESPONSIBLE FOR ENFORCEMENT | INSPECTION OF NEW BUILDINGS | REMARKS |
|---|---|---|---|---|
| No | No | Where State school funds are utilized--by the State Board of Education. Where other State funds are utilized--by the chief of technical staff of the State Building Commission. Where funds of counties, municipalities or other political sub-divisions are utilized--by the governing bodies thereof. | Yes | |
| | | Department of Public Works. | | Waiver Clause: "The regulations of the department shall conform as far as it is feasible" to the Standards of A.N.S.I.*" |
| No | No | For constructing buildings or facilities for a State university or college --by the Arizona Board of Regents. For a junior college--by the governing body of the junior college district. For a public common school or high school district--by the governing body of the common or high school district. Where other State funds are utilized--by the State agency responsible for planning and supervising the construction. Where funds of other political sub-divisions are utilized for construction--by the governing bodies thereof. | | |

| STATE | LEGISLATION & DATE EFFECTIVE | ADOPTS ANSI STANDARDS | SANCTIONS FOR NONCOMPLIANCE | INCLUDES PUBLICLY FUNDED BUILDINGS | INCLUDES PUBLICLY USED, PRIVATELY OWNED BUILDINGS |
|---|---|---|---|---|---|
| Arkansas | Leg. Act: #122 H.B. #257 2/21/67 | Yes | No | Yes | No |
| California | Leg. Act: Assembly Bill #2238 A.B. 710 6/7/71 | Yes | No | Yes | Yes |
| Colorado | Leg. Act: S.B. #47 5/27/65 | Yes | No | Yes | No |
| Connecticut | Leg. Act: H.B. #3863 Public Act #216 6/23/65 H.B. #8518 1/1/73 | (In part only.) | | Yes | Yes |

| EXPLICITLY COVERS REMODELING | LEASED BUILDINGS | RESPONSIBILITY FOR ENFORCEMENT | INSPECTION OF NEW BUILDINGS | REMARKS |
|---|---|---|---|---|
| No | No | By the Department of Health. | Yes | |
| Yes | Yes | Where State funds are utilized--by the Director of the Dept. of General Services. Where funds of other political sub-divisions are utilized--by the governing bodies thereof; privately funded by the building Dept. of city or county where built. | Yes Gov't.<br>No Private | Bill also includes sidewalks, curbs, and related facilities. |
| No | No | Where State funds are utilized--by the division of public works. Where funds of other political sub-divisions are utilized--by the governing bodies thereof. | No | |
| Yes | | Dept. of Public Works. | | Waiver Clause: The public works commissioner can "set aside or modify any particular standard or specification when it is determined that it is impractical and would work an unusual hardship or unreasonably complicate the construction, alter tion or repair in question." |

| STATE | LEGISLATION & DATE EFFECTIVE | ADOPTS ANSI STANDARDS | SANCTIONS FOR NONCOMPLIANCE | INCLUDES PUBLICLY FUNDED BUILDINGS | INCLUDES PUBLICLY USED, PRIVATELY OWNED BUILDINGS |
|---|---|---|---|---|---|
| Delaware | S.B. 264<br>6/30/73 | No; criteria contained in law. | No | Yes | No |
| District of Columbia | Executive Order #65-413<br>3/30/65 | No | | Yes | No |
| Florida | Leg. Act: #225 (1961)<br>Amended 7/1/65<br>Amended 7/1/72 | Yes | | Yes | No |

| EXPLICITLY COVERS REMODELING | LEASED BUILDINGS | RESPONSIBILITY FOR ENFORCEMENT | INSPECTION OF NEW BUILDINGS | REMARKS |
|---|---|---|---|---|
| Yes | No | Secretary of the Department of Administrative Services. | Yes | Waiver Clause: "For good and sufficient reason stated in writing concern-severe economic hardship to the State or to the political subdivision involved". Waivers judged by special review committee. |
| | | Department of Buildings and Grounds. | | Waiver Clause: "Design modifications to accommodate handicapped persons shall be made to the extent feasible without adding significantly to the cost of construction." |
| Yes | Yes | By the "contracting authority" in question. | | Waiver Clause: "Insofar as financially reasonable in the opinion of said contracting authority, such facilities shall conform with the (standards of A.N.S.I.) |

| STATE | LEGISLATION & DATE EFFECTIVE | ADOPTS ANSI STANDARDS | SANCTIONS FOR NONCOMPLIANCE | INCLUDES PUBLICLY OWNED BUILDINGS | INCLUDES PUBLICLY USED, PRIVATELY OWNED BUILDINGS |
|---|---|---|---|---|---|
| Georgia | Leg. Act: SB/412/CA/1 4/3/72 | No | | Yes | No |
| Hawaii | Leg. Act: #260 H.B. #158 7/16/69 | Yes | | Yes | No |
| Idaho | Leg. Act: H.B. #21 Chapter #5 7/1/67 | Yes | | Yes | No |
| Illinois | Leg. Act: H.B. #2416 1/1/68 | Yes | Yes | Yes | Yes |
| Indiana | Leg. Act: Chapter #49 10/24/69 | Yes | No | Yes | No |

| EXPLICITLY COVERS REMODELING | LEASED BUILDINGS | RESPONSIBILITY FOR ENFORCEMENT | INSPECTION OF NEW BUILDINGS | REMARKS |
|---|---|---|---|---|
| Yes | | State Fire Marshall. | | |
| No, although enforcing agency has policy relative to remodeling. | No | Dept. of Accounting and General Services. | Yes | |
| | | The contracting officer or authority of the State or its political sub-divisions. | | Waiver Clause: Facilities and features for the physically handicapped shall be provided "to the extent deemed feasible by the contracting officer or authority of the State or said political sub-divisions. Insofar as is feasible in the opinion of said contracting officer or authority, such facilities shall conform with the (standards of A.N.S.I.") |
| Yes | Yes | Department of General Services. | No | Waiver Clause: "This standard shall be applied, to the extend deemed feasible, in cases of remodeling." |
| No | No | Administrative Building Council | Yes | |

| STATE | LEGISLATION & DATE EFFECTIVE | ADOPTS ANSI STANDARDS | SANCTIONS FOR NONCOMPLIANCE | INCLUDES PUBLICLY FUNDED BUILDINGS | INCLUDES PUBLICLY USED, PRIVATELY OWNED BUILDINGS |
|---|---|---|---|---|---|
| Iowa | Leg. Act:<br>Chapter #104A<br>Code of Iowa<br>Sen. File #352<br>4/22/65 | Yes | | Yes | No |
| Kansas | Leg. Act:<br>S.B. #517<br>1/1/69 | Yes | | Yes | No |
| Kentucky | No Law | | | | |
| Louisiana | Leg. Act:<br>#204<br>H.B. #100<br>6/28/66 | Yes | Yes | Yes | No |
| Maine | Leg. Act:<br>H.P. #1114-<br>L.D. #1583<br>Creating<br>Part #7,<br>Chapter #331<br>6/6/67<br>Also S.P. #100-<br>L.D. #310<br>(3/13/69)<br>L.D. #657<br>(4/2/73) | Yes | Yes | Yes | No |

| EXPLICITLY COVERS REMODELING | LEASED BUILDINGS | RESPONSIBILITY FOR ENFORCEMENT | INSPECTION OF NEW BUILDINGS | REMARKS |
|---|---|---|---|---|
| | | State Building Code Commissioner. | Yes | |
| Yes (if remodeling is in excess of 25% of gross area.) | | For all school building construction and construction where State funds are utilized--by the architectural division of the State department of administration. Where funds of counties, municipalities or other political sub-divisions are utilized--by the governing bodies thereof. | | |
| No | No | State Fire Marshall | No | |
| Yes (When reconstruction costs exceed $100,000.) | No | Where school funds are utilized--by the Commissioner of Education. Where State funds are utilized--by the Director of Public Improvements. Where county or municipal funds are utilized--by the governing bodies thereof. | Yes | |

| STATE | LEGISLATION & DATE EFFECTIVE | ADOPTS ANSI STANDARDS | SANCTIONS FOR NONCOMPLIANCE | INCLUDES PUBLICLY FUNDED BUILDINGS | INCLUDES PUBLICLY USED, PRIVATELY OWNED BUILDINGS |
|---|---|---|---|---|---|
| Maryland | Leg. Act: S.B. #404 Added new Sec #51 to Article #78a 7/1/68 | Yes | No | Yes | No |
| Massachusetts | Leg. Act: S.B. #1427 Chapter #22 As amended by Chapter #724. Also Leg. Act: #3537 1/21/68 | Yes | | Yes | No |

| EXPLICITLY COVERS REMODELING | LEASED BUILDINGS | RESPONSIBILITY FOR ENFORCEMENT | INSPECTION OF NEW BUILDINGS | REMARKS |
|---|---|---|---|---|
| No | | Where State school funds are utilized--by the State Department of Education. Where other State funds are utilized or where construction is upon state-owned land--by the General Services Administration. Where the funds of counties or other political sub-divisions are utilized--by the governing bodies thereof. | Yes | Possible Waiver clau es:<br><br>This act contains provision stating that barrier free public buildings and facilities should be suitably marked by an "accessible to the handicapped" symbol. Act also applies to publicly funded-publicly used transportation accomodations which are engaged in mass transportation. |
| Yes | | Where State school funds are utilized--by the respective governing body. Where State funds are utilized--by the superintendent of public buildings. Where funds of counties, municipalities or other political sub-divisions are utilized--by the governing bodies thereof. | | |

| STATE | LEGISLATION & DATE EFFECTIVE | ADOPTS ANSI STANDARDS | SANCTIONS FOR NONCOMPLIANCE | INCLUDES PUBLICLY FUNDED BUILDINGS | INCLUDES PUBLICLY USED, PRIVATELY OWNED BUILDINGS |
|---|---|---|---|---|---|
| Michigan | Leg. Act: #1 Public Acts 1966 7/1/66 and Leg. Act: #243 Public Acts of 1970- amending above 7/1/71 | Yes | Yes | Yes | Yes |
| Minnesota | State Building Code 6/1/71 | Yes | Yes | Yes | Yes |
| Mississippi | Leg. Act: S.B. #2131 7/1/72 | No | Yes | Yes | No |
| Missouri | Leg. Act: H.B. #311 1967 | No | No | Yes | No |
| Montana | Leg. Act: H.B. #345 Chapter #223 Montana Session Laws 3/8/65 | Yes | Yes | Yes | No |

| EXPLICITLY COVERS REMODELING | LEASED BUILDINGS | RESPONSIBILITY FOR ENFORCEMENT | INSPECTION OF NEW BUILDINGS | REMARKS |
|---|---|---|---|---|
| Yes | No | Where State School funds are utilized--by the Department of Education. The State Building Division will enforce rules for all other buildings through building inspectors and others. | No | |
| Yes | | State Building Code Inspector. | Yes | |
| Yes | No | State Board of Health. | No | Waiver Clause: "Except where such compliance is impractical in the opinion of the State Board of Health." |
| No | No | Where State funds are utilized, either the State Dept. of Education or the division of planning and construction. Where funds of counties, municipalities or other political sub-divisions are utilized--the governing bodies thereof. | No | |
| No | No | Where State school funds are utilized--the superintendent of public instruction. Where State funds are utilized--by the State controller. Where funds of counties, municipalities or other political sub-divisions are utilized--by the governing bodies thereof. | No | |

| STATE | LEGISLATION & DATE EFFECTIVE | ADOPTS ANSI STANDARDS | SANCTIONS FOR NONCOMPLIANCE | INCLUDES PUBLICLY FUNDED BUILDINGS | INCLUDES PUBLICLY USED, PRIVATELY OWNED BUILDINGS |
|---|---|---|---|---|---|
| Nebraska | Leg. Act: #584 11/16/65 | Yes | | Yes | No |
| Nevada | Leg. Act: S.B. #446 3/13/73 | Yes | No | Yes | No |
| New Hampshire | Leg. Act: H.B. #59 7/1/65 | Yes | No | Yes | No |
| New Jersey | Leg. Act: Assemble Bill #1192 A.B. #355 1972 | Yes | | Yes | No |

| EXPLICITLY COVERS REMODELING | LEASED BUILDINGS | RESPONSIBILITY FOR ENFORCEMENT | INSPECTION OF NEW BUILDINGS | REMARKS |
|---|---|---|---|---|
| | | Where State school funds are utilized--by the Commissioner of Education. Where State funds are utilized--by the Commissioner of Labor. Where funds of counties, municipalities or other political subdivisions are utilized--by the governing bodies thereof. | | |
| No | No | "All plans and specifications for the constructions of public buildings and facilities by the state or by a political sub-division, district, authority, board or public corporation or entity of the state shall provide facilities and features for the physically handicapped to the extent deemed feasible by the contracting officer or authority." | | |
| No | No | Where State school funds are utilized--by State board of education. Where other State funds are utilized--Department of Public Works. Where funds of counties, municipalities or other political subdivisions are utilized--by the governing bodies thereof. | | |
| | | Contracting authority. | | |

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|---|---|---|---|---|---|
| New Mexico | Leg. Act: H.B. #303 Chapter #194 3/25/65 | Yes | Yes | Yes | No |
| New York | Leg. Act: Chapter #656 9/1/72 | Yes | Yes | Yes | Yes |
| North Carolina | State Building Code 3/13/73 | No | Yes | Yes | Yes |

| EXPLICITLY COVERS REMODELING | LEASED BUILDINGS | RESPONSIBILITY FOR ENFORCEMENT | INSPECTION OF NEW BUILDINGS | REMARKS |
|---|---|---|---|---|
| Yes | No | State Construction Industry's Board. | Yes | Waiver Clause: Any particular standard may be waived if the governing authority responsible for the construction and the board find the requirements: "impracticable." |
| Yes | Yes | The official governing body or board having design approval authority. | Yes | 516 municipalities subscribe to the NY State Building Code which provides for accessible construction. |
| Yes | Yes | NC Dept. of Insurance. | Yes | |

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|---|---|---|---|---|---|
| North Dakota | Leg. Act: H.B. #1129 7/1/73 | Yes | No | Yes | No |
| Ohio | Leg. Act: #124 Gen. Assembly Reg. Sess. 1965-6 1/1/66 | No | No | Yes | No |

| EXPLICITLY COVERS REMODELING | LEASED BUILDINGS | RESPONSIBILITY FOR ENFORCEMENT | INSPECTION OF NEW BUILDINGS | REMARKS |
|---|---|---|---|---|
| No | No | State Construction Superintendent | Yes | Waiver Clause: In cases of practical difficulty, unnecessary hardship or extreme differences the State construction superintendent may grant exceptions from the literal requirements of the standards provided by this act or permit the use of other methods or materials, but only when it is clearly evident that reasonably equivalent facilitation and protection are thereby secured. |
| No | No | Board of Building Standards | | Waiver Clause: "The Board of Building Standards shall adopt standards, rules and regulations to facilitate the reasonable access and use by all handicapped persons of all public buildings and the facilities thereof errected after Jan. 1, 1966.<br><br>The Board of Building Standards adopted in 1966 the A.N.S.I. standards pertaining to publicly funded buildings. Waiver Clause is in Board of Building Standards: "The chief enforcement official may permit a variance from the provisions ...where the cost of compliance would be substantially disproprotionate to the total cost and anticipated use of the structure. |

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|---|---|---|---|---|---|
| Oklahoma | Leg. Act: #956 1/2/66 | Yes | No | Yes | No |
| Oregon | Leg. Act: H.B. #1074 Unknown | Yes | Yes | Yes | No |
| Pennsylvania | Leg. Act: #348 Act of Gen. Assembly #235 9/1/65 | Yes | Yes | Yes | No |
| Rhode Island | Leg. Act: Jan. Session 1964 1/19/64 | Yes | No | Yes | No |

| EXPLICITLY COVERS REMODELING | LEASED BUILDINGS | RESPONSIBILITY FOR ENFORCEMENT | INSPECTION OF NEW BUILDINGS | REMARKS |
|---|---|---|---|---|
| Yes | No | Board of Public Affairs, but where funds of counties, or other political sub-divisions are involved, it shall be the governing body thereof. | | Waiver Clause: Facilities shall be provided "For the handicapped to the extent deemed feasible by the contracting authority. Insofar as feasibly and financially reasonable, in the opinion of the contracting authority such facilities shall conform with the (Standards of A.N.S.I.") |
| Yes | Yes | State Fire Marshall. | Yes | |
| No | No | Dept. of Labor and Industry. | Yes | |
| No | No | None | No | |

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|---|---|---|---|---|---|
| South Carolina | Leg. Act: H.B. #1438 4/27/73 R 308 and R 293, S13 5/7/63 | Yes | | Yes | No |
| South Dakota | Leg. Act: S.B. #162 Chapter # 312 40th Session 7/1/65 | Yes | | Yes | No |
| Tennessee | Leg. Act: S.B. #641 Chapter #484 2/25/70 | Yes | No | Yes | No |

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|---|---|---|---|---|
| Yes | | Where State school funds are utilized --State Educational Finance Comm. Where State funds are utilized--by the Chief of the engineering staff of the State Budget and Control Board. Where funds of counties, municipalities or other political sub-divisions are utilized--by the governing bodies thereof. | | Amendment to law includes tax deduction for renovation of building or facility intended to be used and is actually used by the general public. The minimum renovation required shall include one or more of the following: ground level or ramped entrance, free movement between public use areas, and washroom and toilet facilities accessible to and usable by physically handicapped persons. |
| Yes | | State Engineer. | Yes | Effective 7/1/71, the international symbol of access must be displayed at the entrance of public buildings and facilities in SD if such structures have provisions to accommodate wheelchair users. |
| No | Yes | The governmental or political department, agency, unit, or subdivision of the State, which under the law has the primary responsibility for the design of the public building. | Yes | Waiver Clause: "The minimum specifications shall be complied with...unless the Responsible Authority (in his respective area) shall determine that compliance is reasonably impracticable from either an architectural or al financial standpoint, in which event such compliance as is reasonably practicable shall be effected." |

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|---|---|---|---|---|---|
| Texas | Leg. Act: S.B. #111 Chapter # 324 1/1/70 | Yes | Yes | Yes (also applies to Federally funded buildings) | No |
| Utah | Leg. Act: 1969 | Yes | No | Yes | Yes |
| Vermont | Leg. Act: H. #49 7/1/67 | Yes | No | Yes | No |

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|---|---|---|---|---|
| Yes | Yes | State Building Commission with legal support from the District Court. The governing bodies of state-supported institutions of higher education are responsible for enforcement within their jurisdiction. | Yes | |
| Yes | No | Where State school funds are utilized--by the State Board of Education. Where State funds are utilized--by the Utah State Building Board. Where funds of counties, municipalities or other political sub-divisions are utilized--by the governing bodies thereof. | Yes | |
| No | No | Where school funds are utilized--by the State Board of Education. Where other public funds are utilized--by the department of public safety. | No | Waiver Clause: "The building construction specifications at the time of construction shall, as far as practicable, be equal to ANSI 117.1. |

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|---|---|---|---|---|---|
| Virginia | Leg. Act: Chapter #539 of Acts of Assembly, 1970 6/26/70 | Yes | No | Yes | No |
| Washington | Leg. Act: H.B. #841 1971 | Yes | No | No | Yes |
| | Leg. Act: H.B. #438 3/15/67 | Yes | | Yes | No |
| West Virginia | Leg. Act: H.B.#676 7/1/69 | No | | Yes | No |

| EXPLICITLY COVERS REMODELING | LEASED BUILDINGS | RESPONSIBILITY FOR ENFORCEMENT | INSPECTION OF NEW BUILDINGS | REMARKS |
|---|---|---|---|---|
| Yes | No | Director of the Division Office of Engineering and Buildings. | No | |
| Yes | No | Shall lie with the building department of each county, city, town or political sub-division of the State.<br><br>Where State school funds are utilized--by the superintendent of public instruction. Where State funds are utilized--by the State agency having the statutory authority for design and construction of buildings covered by this Act. Where funds of counties, municipalities, or other political subdivisions are utilized --by the respective governing bodies thereof. | No | |
| | No | Director of the Division of Vocational Rehabilitation of the State Board of Education. | | Waiver Clause: "The director shall have the authority to exempt buildings and facilities from the provisions of this article...in whole or part, if, in his opinion, compliance therewith would create a financial hardship, be impractical or serve no benefit." |

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|---|---|---|---|---|---|
| Wisconsin | Leg. Act: Assembly Bill #30 Chapter #207 Laws of 1969 7/1/70 | No | | Yes | Yes |
| Wyoming | Leg. Act: S.F. #71, 40th Session 1/1/70 | Yes | Yes | Yes | No |

| EXPLICITLY COVERS REMODELING | LEASED BUILDINGS | RESPONSIBILITY FOR ENFORCEMENT | INSPECTION OF NEW BUILDINGS | REMARKS |
|---|---|---|---|---|
| | | State Department of Industry, Labor and Human Relations or in lieu thereof with the approval of the municipality wherein the building is located. | | Limited to providing "reasonable means of ingress and egress by the physically handicapped..." |
| | No | State Fire Marshall | Yes | Waiver Clause: "If it appears that said features would impose an unreasonable expense upon the contracting authority which would more than offset the benefits obtained by their inclusion, the State Fire Marshall, with the advice and counsel of the Director of Vocational Rehabilitation, may waive said requirements. |